

COASTAL CONSERVANCY

Staff Recommendation
February 2, 2017

SAN FRANCISCO BAY TRAIL: GILMAN TO BUCHANAN STREETS

14-004-01

Project Manager: Avra Heller

RECOMMENDED ACTION: Authorization for: 1) disbursement of \$750,000 to East Bay Regional Park District (EBRPD) using Conservancy funds previously committed to the Priority Conservation Areas (PCA) Grant Program, and 2) disbursement of \$100,000 by the Association of Bay Area Governments to EBRPD using San Francisco Bay Trail Block Grant #5 funds, for a total of \$850,000 to EBRPD to construct an approximately 0.8-mile segment of the Bay Trail between Gilman and Buchanan Streets in the City of Albany, Alameda County.

LOCATION: City of Albany, Alameda County

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: [Project Site and Maps](#)

Exhibit 2: [Final EIR and Final Supplemental EIR, Summary of Table of Impacts, Mitigation, Monitoring, and Reporting Program.](#)

Exhibit 3: [Project Letters.](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes: a) the Executive Officer to disburse \$750,000 (seven hundred fifty thousand dollars) of funds pursuant to the previously authorized Priority Conservation Areas Grant Program, and b) the Association of Bay Area Governments to disburse \$100,000 (one hundred thousand dollars) of previously granted Bay Trail Block Grant # 5 funds, for a total of \$850,000 (eight hundred fifty thousand dollars) to the East Bay Regional Park District (EBRPD) to construct an 0.8-mile segment of the San Francisco Bay Trail (Bay Trail) between Gilman and Buchanan Streets in the City of Albany, subject to the following conditions:

1. Prior to disbursement of any funds, the EBRPD shall submit for the review and approval of the Executive Officer of the Conservancy a work program, including a budget and

schedule, a sign plan for acknowledging Conservancy funding, and the names of any contractors hired to complete the project.

2. Prior to initiating construction of the project, the EBRPD shall provide written evidence to the Executive Officer of the Conservancy that all funding and permits and approvals necessary under applicable local, state, and federal laws and regulations to complete the project have been obtained.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code, regarding public access improvements to and around the San Francisco Bay.
2. The proposed authorization is consistent with the current Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the *Final Environmental Impact Report Albany Beach Restoration and Public Access Project* (FEIR) certified by the EBRPD on November 20, 2012 and the *Final Supplemental Environmental Impact Report Albany Beach Restoration and Public Access Project* (FSEIR), certified by EBRPD on June 2, 2015, both of which are attached to the accompanying staff recommendation as Exhibit 2, and which identify potentially significant effects of the project on biological resources, cultural resources, geology and soils, and hydrology and water quality. The Conservancy finds that the proposed project, as modified by incorporation of the mitigation measures identified in the FEIR and FSEIR, avoids, reduces or mitigates all of the possible significant environmental effects of the project, and that the proposed project will not have a significant effect on the environment.”

PROJECT SUMMARY:

Staff recommends the Conservancy authorize the Association of Bay Area Governments (ABAG) to disburse up to \$100,000, and the Executive Officer to disburse up to \$750,000, for a total of up to \$850,000, to the East Bay Regional Parks District (EBRPD) to construct a 0.8-mile trail from Gilman Street to Buchanan Street in order to close the only remaining Bay Trail gap in McLaughlin Eastshore State Park. Once the proposed project is completed, Bay Trail users will be able to enjoy a continuous ten-mile shoreline bicycle and pedestrian corridor that runs from the City of Richmond, Contra Costa County to the City of Oakland, Alameda County. The new trail will take users through the highest point along the shoreline which offers sweeping views of the Bay and Golden Gate. Closing this gap has long been a priority of the EBRPD and the Bay Trail Project in order to complete the trail “spine” of McLaughlin Eastshore State Park.

The majority of the funding (\$750,000), will be pursuant to the Conservancy’s Priority Conservation Area Grant Program (“PCA Grant Program”). At its March 27, 2014 meeting, the

Conservancy committed a total of \$2.5 million in Conservancy funds for specified projects that implement the PCA Grant Program, with funds to be granted for the specified projects on an individual basis at future meetings. The PCA Grant Program is a joint program with the Metropolitan Transportation Commission (“MTC”), which has committed \$10 million of federal transportation funding for the program. The purpose of the PCA Grant Program is to support protection of the Bay Area’s agricultural, scenic and natural resources through projects such as public access and trail improvements, open space and agricultural land protection, and natural resource enhancement projects. The proposed project is one of the specified PCA Grant Program projects and is consistent with the purposes of the PCA Grant Program because it supports public shoreline and open space access.

The remaining \$100,000 in Conservancy funding will be pursuant to the \$1,000,000 Conservancy grant to ABAG known as the San Francisco Bay Trail Block Grant #5, which was authorized on May 29, 2014 to support planning and implementation of the Bay Trail. Under Block Grant #5, ABAG must obtain Conservancy approval before granting funds for projects that are not exempt from the California Environmental Quality Act. The proposed project is not exempt from CEQA. Accordingly, this authorization will enable ABAG to grant these funds to the EBRPD.

The proposed project consists of construction of approximately 4,200 linear feet of paved multi-use, ADA-accessible San Francisco Bay Trail from Gilman Street to Buchanan Street at McLaughlin Eastshore State Park. Portions of the trail (over 1,200 linear feet) will be constructed on a new bench cut into the rock slope facing west of the Golden Gate Fields (GGF) parking area at Fleming Point. The work includes completion of a 14-foot-wide trail section (10-foot-wide paved trail with two-foot shoulders) throughout the area. Retaining walls and slope stabilization are proposed along Fleming Point, in addition to drainage improvements, fencing, signs and pavement striping.

Currently, shoreline visitors must compete with cars and trespass on Golden Gate Fields property to use the shoreline, and get from one area of McLaughlin Eastshore State Park to another. The Bay Trail provides easily accessible opportunities for destinations all along the shoreline that are removed from the hazards of motor vehicles, and that are free or inexpensive. The Bay Trail is playing an increasingly prominent role in recreation and transportation in the Bay Area as its multiple benefits become recognized by more and more people. The project also promotes the physical and mental health and wellbeing of hundreds of thousands of Bay Area residents who enjoy bicycling, walking, jogging, skating and other outdoor pursuits. The project closes a critical gap connecting shoreline access and recreational opportunities between the economically challenged neighborhoods of Richmond in Contra Costa through more affluent neighborhoods in Albany and Berkeley, ultimately to Oakland, in total some of the most economically and ethnically diverse counties in the Bay Area.

Created in 1934, the EBRPD has been constructing, operating, and maintaining parks, trails and open space in the East Bay for over 80 years. The EBRPD has successfully completed over 25 acquisition, planning, park development and trail construction projects with Conservancy funding. EBRPD staff holds many years of combined project management, environmental restoration, planning, design, stewardship, and construction experience. Additionally, the District

has a considerable number of experienced engineering staff and maintenance personnel ready to complete this project.

Site Description: The project is part of the Bay Trail alignment in the City of Albany, Alameda County. EBRPD has a recorded easement from Golden Gate Land Holdings LLC for the construction of this segment of Bay Trail. See Exhibit 1 for site specific maps.

Project History: The Conservancy has been extensively involved in the creation of public parks, and public access, including the Bay Trail, as well as enhancing natural resources along this section of East Bay shoreline since the 1990's. The Conservancy, with EBRPD and the Department of Parks and Recreation, funded the General Plan creating Eastshore State Park in 2001 which represented a culmination of over 20 years of regional activism to create a unified public space along the East Bay shoreline and prevent further development and fill. (The Park has since been named after Sylvia McLaughlin, one of the founders of Save San Francisco Bay Association, and long-time park advocate.) The Conservancy has also provided numerous grants to support the adjacent cities' efforts to improve trails, provide interpretive information, and create habitat. The closure of this trail gap will create a "spine" for McLaughlin Eastshore State Park and connect with the previously-funded trail improvements.

PROJECT FINANCING

Coastal Conservancy (PCA grant)	\$750,000
Coastal Conservancy (Bay Trail grant to ABAG)	\$100,000
ACTC Measure B (Alameda County transportation sales tax)	\$1,000,000
East Bay Regional Park District	1,750,000
Project Total	\$3,600,000

The source of Conservancy funds for the proposed project is the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006" (Proposition 84, Public Resources Code (PRC) § 75001 et seq.). These funds are available for San Francisco Bay Area Conservancy Program projects under PRC Division 21, Chapter 4.5 that promote access to and enjoyment of coastal resources. (PRC § 75060). The proposed project will provide and enhance public access to San Francisco Bay, consistent with Proposition 84. The proposed project will be undertaken pursuant to the San Francisco Bay Area Conservancy Program (Chapter 4.5 of Division 21 of the PRC), as described below.

The project has a 4:1 match to Conservancy funding, exceeding the 3:1 match required by the PCA Grant Program. In 2000, Alameda County voters approved Measure B, a half-cent transportation tax. Among the measure's priorities is to improve bicycle and pedestrian safety; EBRPD was awarded \$1,000,000 in Measure B funding for this Bay Trail project through a competitive grant process. The final \$1,750,000 in funding from EBRPD is a mix of Measure CC funds (a \$12 per year parcel tax to fund critical improvements in EBRPD parks) and Measure WW bonds for EBRPD preservation of open space and wildlife habitat.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 4.5 of Division 21, Sections 31160-31165 of the PRC regarding the San Francisco Bay Area Conservancy Program. The project is located in Alameda County, one of the nine San Francisco Bay Area counties as required by Section 31162. Under Section 31162(a), the Conservancy may award grants that will “improve public access to, within, and around the bay, coast, ridgetops, and urban open spaces, ... through completion . . . of regional bay, coast, water, and ridge trail systems . . . which are part of a regional trail system and are consistent with locally and regionally adopted master plans and general plans”. The proposed trail extension is part of the Bay Trail and will enhance bay access by pedestrians, bicyclists, and others as provided in with the San Francisco Bay Conservation and Development Commission’s *San Francisco Bay Plan* (as amended 2002), the Association of Bay Area Governments’ *The Bay Trail Plan* (1989), California Department of Parks and Recreation – 2002 ESSP General Plan and Environmental Impact Report, and the *City of Berkeley General Plan – Berkeley Bicycle Plan* (2005). Construction of the trail will not adversely impact agricultural operations, environmentally sensitive areas or wildlife.

Under §31162(d), the Conservancy may “promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes.” Construction of the 0.8-mile section of Bay Trail will close a critical gap in the trail, making the Bay Trail continuous from Emeryville to North Richmond. This connected trail will make a natural area, the San Francisco Bay, more accessible to the nearby urban population consistent with section 31162(d).

The proposed project also satisfies each of the five criteria for determining project priority under Section 31163(c) in the following respects: (1) the project is supported by relevant adopted local or regional plans as discussed above; (2) the project serves a regional constituency because it enhances Albany Beach and the Bay Trail, which serve the residents of the Bay Area and numerous visitors to this locale, as discussed above; (3) the project will be implemented in a timely manner; (4) the project provides the opportunity for EPRPD to effectively leverage federal funds to complete adjacent improvements which may be lost if the project is not quickly implemented; (5) matching funds from the grantee and others have been approved.

**CONSISTENCY WITH CONSERVANCY’S 2013 STRATEGIC PLAN
GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:**

Consistent with **Goal 12, Objective E**, the project will construct a 4,200 linear-foot section of the San Francisco Bay Trail.

Consistent with **Goal 12, Objective L**, the project will expand opportunities for barrier-free access to natural resources. The trail will be ADA approved when complete. It will have a paved, firm and stable surface, cross slope that will not exceed 2% and very minor grade changes across the entire length of the trail segment.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:**
 - a. The proposed project serves to promote and implement the *San Francisco Bay Trail Plan*, which was prepared by ABAG pursuant to Senate Bill 100 in 1987. The plan for the Bay Trail proposes development of a regional hiking and bicycling trail around the perimeter of San Francisco and San Pablo Bays.
 - b. Project will implement improvements consistent with the Eastshore State Park General Plan, including shoreline reconstruction, habitat enhancement, and trail improvements along the shoreline.
4. **Support of the public:** This project has received broad public support, including support from 15th Assembly District Assemblymember Tony Thurmond; Mayor of Albany, Peter Maass; a 2011 resolution from the Albany City Council; as well as support from various community interest groups. See "Project Letters," Exhibit 3.
5. **Location:** The project is located in Alameda County, which is one of the nine Bay Area counties served by the San Francisco Bay Area Conservancy Program.
6. **Need:** The Conservancy's funding provides the final piece of the budget and allows the project to move forward.
7. **Greater-than-local interest:** The Bay Trail is a regional, nine-county trail network that will be approximately 500-miles long when completed. This authorization will help further the completion of the trail, of which approximately 350 miles have been completed to-date.
8. **Sea level rise vulnerability:** The findings contained in the Bay Plan Amendment (October 6, 2011) state that by 2070 mean higher high water level would be approximately 8.90 feet. The top edge of the proposed riprap revetment within the project area is set at 12.0 feet. The low point of the trail within the project area will be 13.0 feet elevation. This elevation is well above the predicted impact of sea level rise.

Additional Criteria

11. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** EBRPD is ready to complete the proposed project, and has staff and experience necessary to implement the project successfully.
14. **Realization of prior Conservancy goals:** See "Project History" above.

18. Minimization of greenhouse gas emissions: Consistent with the finding in the environmental impact report for the proposed project, the EBRPD will implement Best Available Control Technologies (BACTs) during construction of the proposed project, in order to reduce greenhouse gas emissions from construction equipment. BACTs will include the following:

- Contractors will be required to use construction equipment rated by the US EPA as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower.
- Construction contractors will limit nonessential idling of construction equipment to no more than five consecutive minutes.

Contractors will ensure that all construction equipment is properly serviced and maintained in designated staging areas and will keep all equipment within the staging areas to the manufacturer's standards to reduce operational emissions. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The proposed project is consistent with the Public Access Policies 9 and 10 contained in Part IV, Development of the Bay and Shoreline: Findings and Policies, of the San Francisco Bay Plan as amended by the San Francisco Bay Conservation and Development Commission (BCDC) in October 2011.

Public Access Policy No. 9: "Access to and along the waterfront should be provided by walkways, trails or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat" (pg. 69). Consistent with Public Access Policy No. 9, the proposed project will provide a walkway along the waterfront (the City of Albany shoreline), and will provide a diverse and interesting public access experience (a shoreline trail adjacent to San Francisco Bay) that will encourage users to remain in designated public access areas that avoid or minimize adverse effects on wildlife and their habitat.

Public Access Policy No. 11: "Federal, state, regional and local jurisdictions, special districts and the Commission [BCDC] should cooperate to provide appropriately sited, designed and managed public access, especially to link the entire series of shoreline parks, regional trail systems (such as the San Francisco Bay Trail) and existing public access areas to the extent feasible without additional Bay filling and without significant adverse effects on Bay natural resources" (pg. 69). Closing gaps between existing public access areas is a high priority for BCDC and the Conservancy. The proposed project is consistent with this policy in that it will implement an appropriately designed Bay trail project that will provide public access and will link up with an existing Bay Trail segment in a shoreline park area without additional Bay fill and without significant adverse effects on Bay natural resources.

COMPLIANCE WITH CEQA:

In order to comply with the California Environmental Quality Act (CEQA), EBRPD certified the *Final Environmental Impact Report Albany Beach Restoration and Public Access Project* (Final EIR), and approved the proposed project, on November 20, 2012. In response to litigation, EBRPD subsequently certified the *Final Supplemental Environmental Impact Report Albany Beach Restoration and Public Access Project* (Final SEIR) to address the impacts of increased dog use at the site, on June 2, 2015 and reapproved the proposed project on March 15, 2016.

The Final EIR and Final SEIR (collectively “EIR”) cover three phases of the Albany Beach Restoration and Public Access Project, of which the proposed Bay Trail project is a phase. The EIR indicates that the proposed project could have potentially significant effects on the environment in the areas of biological resources, cultural resources, geology and soils, and water quality. These potential effects on biological resources, cultural resources, geology and soils, and water quality will be reduced to a less than significant level by the incorporation into the project of the mitigation measures discussed below. These mitigation measures are also summarized in the attached Mitigation, Monitoring, and Reporting Program.

Significant Effects Reduced to *Less than Significant Level* by Mitigation

Biological Resources

Construction of the Bay Trail could impact/disturb burrowing owls, a special status wildlife species, and other birds protected by the Migratory Bird Treaty Act; California least terns, a special status avian species; marine mammals including harbor seals, California sea lion, and southern sea otters, special status wildlife species protected by the Marine Mammal Protection Act; and remnant coastal shrub (poison oak shrub) habitat. To reduce these potential effects on biological resources to less than significant, the following mitigation measures will be implemented:

- Pre-construction nesting surveys will be conducted by a qualified biologist within 14 days of the onset of disturbance to nesting habitats. If nests are found, they will be flagged and a buffer area will be established to ensure construction will not have a substantial adverse effect on nesting birds protected by the Migratory Bird Treaty Act. No work will be conducted within the established buffer area until young are independent of the nest.
- A Spill Control and Countermeasures Plan will be prepared and implemented to prevent spills and exposure of people, wildlife and sensitive resources to contaminants. The plan will provide for use of a containment boom to prevent spread of any toxic materials that may be released into Bay waters during demolition, debris removal and construction of the rock riprap.
- A biological monitor will be present during subtidal and tidal zone work activities. If a marine mammal is spotted within 500 feet of the construction area, the work will stop until the mammal(s) have left the area.

- An Erosion Control and Revegetation Plan will be prepared. The Plan will provide for restoration of an undisturbed area of ruderal scrub vegetation in close proximity to the poison oak scrub with a mixture of native grasses, forbs, and shrubs that were a part of the historic coastal scrub plant community in the East Bay Area. The Erosion Control and Revegetation Plan will also provide for replacement planting of the disturbed poison oak scrub at a ratio of 2:1.

Cultural Resources

Construction of the Bay Trail may impact the following cultural resources: “wild art,” existing (and potentially historic) concrete wall structure, intact historic features, Native American cultural artifacts, fossils and unique geological features, and undiscovered human remains. To reduce the potential effects on cultural resources to less than significant, the following mitigation measures will be implemented:

- Wild art pieces that are durable, can be physically moved, contain unique features, and pose no health or safety risks, will be relocated.
- Work will be halted within 50 feet of any intact historic features, Native American cultural objects, fossils and possible unique geological features, discovered during construction, until the features have been inspected and evaluated by a qualified archaeologist, geologist, or paleontologist (as appropriate to cultural resource in question). The relevant expert will, in accordance with *EBRPD Guidelines for Protecting Parkland Archaeological Sites*, identify and evaluate the significance of the discovery and develop recommendations for treatment to ensure any impacts to the cultural resource are less than significant.
- If human remains are discovered during construction, work within 100 feet of the discovery will be halted until a qualified archaeologist evaluates the discovery and makes recommendations for treatment to ensure any impacts to the cultural resource are less than significant. In addition, a discovery of human remains will be reported to the County Coroner. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will be contacted to assign a Most Likely Descendant to provide recommendations for the proper treatment of the remains taking into account the possibility of multiple human remains; and EBRPD will comply with Public Resources Code section 5097.98 and the Native American Graves Protection and Repatriation Act, if applicable.

Geology and Soils

It is likely that during the design lifetime of the proposed project, the project site will be subject to strong seismic ground shaking and potential liquefaction and landslides that would damage structures and expose users to risk. Another risk is that earthwork, ground disturbance, soil cut and fill, and increased park visitors, including those accompanied by dogs, will lead to increased soil and dune erosion and siltation into the Bay. To reduce these potential effects on geology and soils to less than significant, the following mitigation measures will be implemented:

- EBRPD will comply with a design level geotechnical report that provides design recommendations to protect people and structures from ground shaking, liquefaction, landslides, earthquakes, substantial soil erosion or loss of topsoil, and unstable soils.
- EBRPD will complete an Erosion Control and Revegetation Plan, as well as a Storm Water Pollution Prevention Plan (SWPPP). These will include winterization, dust control, wind and water erosion control; erosion, siltation and stormwater runoff and pollution control measures conforming to the Association of Bay Area Government (ABAG) Manual of Standards for Erosion and Sediment Control Measures and the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook Portal: Construction. The Erosion Control Plan will describe the “Best Management Practices” (BMPs) to be used during and following construction to control pollution and sedimentation resulting from both storm and construction water runoff. Performance standards to be included in the SWPPP, include the following minimum standards:
 1. there cannot be an increase in Bay Water Turbidity above background levels by more than 10%.
 2. there cannot be pH levels in stormwater runoff from disturbed or stabilized areas of less than 6.5 or more than 8.5.
 3. there cannot be salinity in stormwater runoff from disturbed or stabilized areas of an amount large enough to have an appreciable impact on the salinity of San Francisco Bay.
- Fencing must be established around the enhanced dune area to prevent access and resultant erosion by park users and pets. This would prevent erosion of the restored sandy dune complex due to use by park visitors.

Hydrology and Water Quality

During construction, the proposed project could potentially violate water quality standards or waste discharge requirements if sediment-laden runoff from disturbed work areas enters San Francisco Bay and increases turbidity or if fuel or other construction chemicals are accidentally spilled or leaked into the water. To reduce these potential effects to less than significant, the following mitigation measures will be implemented:

Detailed plans for temporary construction-related erosion control will be incorporated in the project plans. Construction plans will specify all appropriate erosion and sediment control measures.

EBRPD will prepare a Stormwater Pollution Prevention Plan (SWPPP) that will include Best Management Practices (BMPs) to prevent or minimize stormwater pollution during construction activities, and post construction.

Conservancy staff has independently reviewed the EIR and recommends that the Conservancy, as a responsible agency, find that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment. EBRPD adopted

the Mitigation Monitoring and Reporting Program (MMRP) for the Final EIR on November 20, 2012, and an additional MMRP for the Supplemental EIR on June 2, 2015. Staff will file a Notice of Determination upon approval of the project.